

IN THE CLAIMS

The following listing of claims will replace all prior versions, listings, and claims in this application.

Claims 1-41 (Cancelled).

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✓ 42. (Previously Presented) A purified nucleic acid comprising:

(a) SEQ ID NO:3; or

(b) a sequence from a *Clostridium* strain hybridizing over the full length of the complementary strand of SEQ ID NO:3 under stringent conditions, which comprise hybridizing at 42°C in 50 % formamide at 5 X SSC and 1 x Denhardt's;

wherein said purified nucleic acid has ~~transcriptional~~ promoter activity.

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✓ 43. (Previously Presented) The purified nucleic acid according to claim ~~42~~, which comprises SEQ ID NO:3.

✓ 44. (Previously Presented) The purified nucleic acid according to claim ~~42~~, which is a *Clostridium perfringens* beta 2 toxin promoter.

✓ 45. (Previously Presented) An expression cassette comprising, in the 5' to 3' direction, the purified nucleic acid according to claim ~~42~~ and a transgene to be expressed.

✓ 46. (Previously Presented) The expression cassette according to claim ~~45~~, wherein said expression cassette further comprises a transcriptional terminator at a 3' end of said transgene.

6 ~~47~~. (Previously Presented) The expression cassette according to claim ~~45~~⁴, wherein said expression cassette further comprises a secretion signal located between said purified nucleic acid and said transgene.

1 ~~48~~. (Previously Presented) The expression cassette according to claim ~~45~~⁴, wherein said transgene codes for a toxin, a fragment thereof, or a variant thereof.

8 ~~49~~. (Previously Presented) The expression cassette according to claim ~~48~~⁷, wherein said toxin is a pathogenic bacterium toxin.

9 ~~50~~. (Previously Presented) A vector comprising the purified nucleic acid according to claim ~~42~~¹.

10 ~~51~~. (Previously Presented) The vector according to claim ~~50~~⁹, wherein said vector is functional in a bacterium.

11 ~~52~~. (Previously Presented) The vector according to claim ~~51~~¹⁰, wherein said bacterium is a *Clostridium* bacterium.

12 ~~53~~. (Previously Presented) The vector according to claim ~~51~~¹⁰, wherein said bacterium is *Clostridium perfringens*.

13 ~~54~~. (Previously Presented) A recombinant cell comprising the purified nucleic acid according to claim ~~42~~¹.

~~14~~
55. (Previously Presented) The recombinant cell according to claim 54, wherein said recombinant cell is a prokaryotic cell.

~~15~~
56. (Previously Presented) A method for producing a polypeptide, comprising:
(a) introducing a transgene coding for said polypeptide into a cell, wherein said transgene is under the control of the purified nucleic acid according to claim ~~42~~;
(b) expressing said transgene; and
(c) recovering said polypeptide.

~~16~~
57. (Previously Presented) A method for producing a polypeptide, comprising:
(a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim ~~54~~, wherein said transgene is placed under the control of said purified nucleic acid;
(b) culturing said recombinant cell to express said transgene; and
(c) recovering said polypeptide.

~~17~~ ~~15~~
58. (Previously Presented) The method according to claim ~~56~~, wherein said cell is a *Clostridium* bacterium.

~~18~~ ~~15~~
59. (Previously Presented) The method according to claim ~~56~~, wherein said polypeptide is a toxin, a toxoid, or a fragment thereof.

60. (Cancelled)

19/61. (Previously Presented) A method for producing a polypeptide, wherein said method comprises:

- (a) introducing the expression cassette according to claim 45/4 into a cell, wherein said transgene is placed under the control of said purified nucleic acid;
- (b) expressing said transgene; and
- (c) recovering said polypeptide.

20/62. (Previously Presented) The vector according to claim 50/9, which further comprises a transgene operably linked to said purified nucleic acid.

21/63. (Previously Presented) A recombinant cell comprising the expression cassette according to claim 45/4.

22/64. (Previously Presented) A recombinant cell comprising the vector according to claim 50/9.

23/65. (Previously Presented) A recombinant cell comprising the vector according to claim 62/20.

24/66. (Previously Presented) The recombinant cell according to claim 54/13, wherein said recombinant cell is a bacterium.

25/67. (Previously Presented) The recombinant cell according to claim 63/21, wherein said recombinant cell is a bacterium.

~~24~~ 68. (Previously Presented) The recombinant cell according to claim ~~64~~²², wherein said recombinant cell is a bacterium.

~~23~~ 69. (Previously Presented) The recombinant cell according to claim ~~65~~²³, wherein said recombinant cell is a bacterium.

~~24~~ 70. (Previously Presented) The method according to claim 57, wherein said recombinant cell is a *Clostridium* bacterium.

~~29~~ 71. (Previously Presented) A method for producing a polypeptide, comprising:
(a) culturing the recombinant cell according to claim ~~63~~²¹ to express said transgene in said expression cassette; and
(b) recovering said polypeptide.

~~30~~ 72. (Previously Presented) A method for producing a polypeptide, comprising:
(a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim ~~64~~²², wherein said transgene is placed under the control of said purified nucleic acid in said vector;
(b) culturing said recombinant cell to express said transgene; and
(c) recovering said polypeptide.

~~36~~ 73. (Previously Presented) A method for producing a polypeptide, wherein said method comprises:
(a) culturing the recombinant cell according to claim ~~65~~²³ to express said transgene in said vector; and

(b) recovering said polypeptide.

Claims 74-79 (Cancelled).

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~~80.~~ (Currently Amended) ~~The A~~ purified nucleic acid according to ~~Claim 60~~, which comprises comprising SEQ ID NO:4.

81. (Cancelled)

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~~82.~~ (Previously Presented) A vector comprising the purified nucleic acid according to Claim ~~80.~~ 32

83. (Cancelled)

34

~~84.~~ (Previously Presented) A recombinant cell comprising the purified nucleic acid according to Claim ~~80.~~ 32

85. (Cancelled)

35

~~86.~~ (Previously Presented) An expression cassette comprising a transgene to be expressed operably linked to the purified nucleic acid according to Claim ~~80.~~ 32

87. (Cancelled)

36
88. (Previously Presented) A recombinant cell comprising the expression cassette according to Claim 86. 35

89. (Cancelled)

37
90. (Withdrawn) A method of producing a polypeptide, comprising introducing the expression cassette of Claim 86 into a cell, culturing the cell to express the transgene; and recovering the polypeptide. WI

91. (Withdrawn) A method of producing a polypeptide, comprising introducing the expression cassette of Claim 87 into a cell, culturing the cell to express the transgene; and recovering the polypeptide. Cancel

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Claims 92-93 (Cancelled).

38
94. (Currently Amended) The A purified nucleic acid according to Claim 60, which comprises comprising a sequence from a Clostridium strain which hybridizes over the full length of the complementary strand of SEQ ID NO:4 under stringent conditions which comprise hybridizing at 42°C in 50 % formamide at 5 X SSC and 1 x Denhardt's and which encodes a peptide comprising a hydrophobic region bordered by charged amino acids that functions as a secretion signal peptide.

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95. (Cancelled)